

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHARLES GAGNON,)	
)	
Plaintiff,)	
)	Case No. 15-CV-09526
v.)	
)	Hon. Marvin E. Aspen
JPMORGAN CHASE BANK, N.A., SETERUS,)	Judge Presiding
INC., PIERCE & ASSOCIATES, P.C.,)	
EQUIFAX INFORMATION SERVICES, and)	
EXPERIAN INFORMATION SOLUTIONS, INC.)	
)	
Defendants.)	

**SETERUS’S MOTION TO DISMISS COUNTS II, IX AND XIII OF THE AMENDED
COMPLAINT, AND FOR EXTENSION OF TIME TO ANSWER COUNT V**

Defendant Seterus, Inc. (“Seterus”), by its attorneys, moves to dismiss the Amended Complaint (“FAC”) filed by Charles Gagnon (“Plaintiff”) pursuant to Federal Rule of Civil Procedure 12(b)(6), and for an extension of time pursuant to Federal Rule of Civil Procedure 6(b) to respond to Count V of Plaintiff’s FAC, pending the outcome of Seterus’s Motion to Dismiss Counts II, IX and XIII, and states as follows:

1. Counts II, IX and XIII of Plaintiff’s FAC fail to state a valid cause of action, and thus should be dismissed pursuant to Rule 12(b)(6). *See* Fed. R. Civ. P. 12(b)(6).
2. Pursuant to Rule 6(b), good cause exists to grant an extension of time for Seterus to respond to Count V, because the outcome of Seterus’s Motion to Dismiss Counts II, IX, and XIII of Plaintiff’s FAC will affect Seterus’s response to the single remaining cause of action for alleged violation of the federal Fair Credit Reporting Act, 15 U.S.C. § 1681, *et seq.* (“FCRA”).
3. Seterus contemporaneously files its Memorandum in Support of this Motion.
4. For all these reasons, which are discussed in greater detail in Seterus’s

Memorandum in Support of this Motion to Dismiss, Counts II, IX, and XIII of Plaintiff's FAC should be dismissed with prejudice and without leave to amend, and Seterus should be granted an extension of time to respond to Count V of Plaintiff's FAC pending the outcome of Seterus's Motion to Dismiss Counts II, IX and XIII.

WHEREFORE, Seterus requests that this Court dismiss Counts II, IX and XIII of Plaintiff's FAC with prejudice and without leave to amend, enlarge the time allowed for Seterus to respond to Count V, and provide such further and additional relief as it deems just and appropriate.

Date: April 27, 2016

Respectfully submitted,

SETERUS, INC.,

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By: /s/ Gregg M. Barbakoff
One of Its Attorneys

Certificate of Service

Gregg Barbakoff, an attorney, certifies that on **April 27, 2016**, he caused the service of a true and correct copy of this Motion and any referenced exhibits via ECF on all parties who are Filing Users.

/s/ Gregg M. Barbakoff